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Security Council

Sixty-sixth year

Provisional

6698th meeting

Thursday, 22 December 2011, 10 a.m.

New York

President:	Mr. Churkin	(Russian Federation)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Gabon	Mr. Messone
	Germany	Mr. Berger
	India	Mr. Vinay Kumar
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2011/727)

Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2011/727)

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The President (*spoke in Russian*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Ian Martin, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

On behalf of the Council, I welcome Mr. Ian Martin, who is joining today's meeting via video teleconference from Tripoli.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2011/727, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Council will hear briefings by Mr. Ian Martin and Ambassador João Maria Cabral, Deputy Permanent Representative of Portugal, who will speak on behalf of Mr. José Filipe Moraes Cabral, Permanent Representative of Portugal, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Martin.

Mr. Martin: Four weeks after the formation of Libya's interim Government, it is urgently formulating plans to respond to its pressing priorities. It faces a dual challenge: first, to address the most immediate needs of the Libyan people and meet high expectations regarding the responsibility of the new authorities to deliver results, and, secondly, to begin to reform and build accountable institutions that will meet the aspirations for change and modernity. It is embarking upon those tasks in a security climate that will remain uncertain until decisions are taken, and begin to be implemented, regarding the future of the revolutionary fighters. It has only six months before elections to a national congress become the basis for the formation of another Government as well as for constitution-making.

The public mood in Libya is changing gradually as it becomes increasingly focused on issues that were central to the demands of the revolution. Those include improved institutional performance that meets popular expectations, and accountability and transparency in public affairs. As the countdown begins towards elections next June, civil society is becoming increasingly assertive in monitoring and critiquing the performance of the National Transitional Council (NTC) and the Government, reflecting the democratic atmosphere that is now finding expression in Libya.

In my last briefing (see S/PV.6669), I stressed that the stabilization of the country and the success of the Government depended on it having sufficient liquid funds to meet its urgent needs. The agreement of the Sanctions Committee to the delisting of the Central Bank of Libya and the Libyan Foreign Bank has been warmly welcomed by the Government, and should overcome the popular perception that Libya was being denied access to its assets. On Tuesday, I took part, together with United Nations colleagues, in a meeting convened in Tripoli by the Ministry of Foreign Affairs, with our support and that of major asset-holding countries. That represented the coordinated approach to overcoming the requirements for funds to flow that was proposed in Council discussions following my last briefing. Further technical steps still need to be discussed bilaterally, and it remains important that all parties do what is necessary to accelerate the Government's earliest access to sufficient funds. But I hope that the liquidity crisis will soon be at an end. Prime Minister El-Keib this morning asked me to convey his appreciation for the action taken.

According to the timetable of the NTC, only a month remains for electoral legislation to be passed and an electoral commission established. The United Nations Support Mission in Libya (UNSMIL) electoral team has been working intensively with the NTC's Elections Committee. While the Committee has yet to

make any final decisions, steady progress has been achieved in analysing options with regard to the complex political and technical issues that must be defined in the electoral legislation. Our electoral team has continuously provided technical advice, guidance on best practice and comparative analysis of examples from different countries. Key topics have included electoral system options, voter eligibility, approaches to the development of the voter register and the establishment of the electoral commission. The nature of constituencies and the allocation of seats are the most difficult political decisions to be made, with regard to geography and population distribution. The Committee has expressed the intent that any solution chosen will take into consideration provisions for representation of women and minorities.

Our electoral team, in close cooperation with Libyan authorities, has conducted an assessment of the existing civil registers of persons, to assess the quality of current systems and how they could be used to support the development of the voter register. Findings have been presented to the Elections Committee, together with alternative options for voter registration systems and eligibility criteria. It has consistently been emphasized that inclusivity is an essential principle.

The Committee recognizes that major decisions regarding elections must be broadly accepted by Libyan stakeholders, and has expressed a commitment to engage the public. It has begun using the media to inform the public about the activities that the Committee has conducted so far and has commenced public consultations on the electoral law, although as yet those remain limited. The United Nations and other international organizations stand ready to support civic and voter education to encourage informed participation.

The Committee appears close to finalizing the details related to the establishment of the electoral commission. Appointments of a chairperson and deputies are expected before the end of the year. The Committee wants the United Nations to continue to lead and coordinate fully all international electoral assistance. The United Nations electoral support team will grow significantly in January in order to provide support to the newly formed electoral commission.

Security is of course essential for a successful election. Our police advisers have already begun discussing election security training with the Ministry of the Interior. But that is part of a far wider challenge. The new Libyan authorities need to start work on establishing a new professional army whose doctrine is based on allegiance to the modern democratic State, and a police force fully committed to the rule of law and respect for human rights. Building those security forces will be a lengthy and difficult task. At the same time, they have to begin rapidly the process of integrating a large number of revolutionary fighters into civil and military State institutions and of demobilizing others into job or educational opportunities.

That will require close consultation with the leaders of the revolutionary brigades in order to ensure their full cooperation. They are a key element in the new Libya, whose contributions in the service of the revolution must be duly recognized. The Government has begun its planning for some 75,000 former fighters, with responsibility divided equally among the Ministries of Defence, Interior and Labour. The latter is developing an employment scheme that will allow ex-combatants access to further studies, vocational training and employment opportunities that will facilitate their return to civilian life. The United Nations has already deployed an early scoping mission to explore possible support to those reintegration plans.

Meanwhile, although the security situation across the country has largely stabilized, the potential for localized clashes to escalate remains real. That is partly because of the numerous, sometimes rival, revolutionary formations, lacking fully effective coordination mechanisms among them, or between them and the Government. That situation is further complicated by tensions that exist in part because of historical local conflicts between communities, which the former regime had exacerbated and exploited to its advantage. The past few weeks have witnessed a series of armed clashes of varying seriousness, giving rise to growing popular pressure, in particular in Tripoli, to put in place security arrangements that do not rely heavily on the armed brigades. Unless the security situation is addressed quickly and effectively, interests of various stakeholders may become entrenched, undermining the legitimate authority of the State.

UNSMIL has made progress in supporting Libyan authorities in coordinating bilateral and multilateral assistance to the rehabilitation of the Libyan police force and a strengthened border security and management service. UNSMIL and the newly

established coordination unit in the Ministry of the Interior convened, on 20 December, a meeting of key partners to support the rehabilitation of the Libyan police service. It was agreed to support the Ministry in developing a detailed plan by mid-January that would identify urgently needed assistance in training, equipment and the restoration of destroyed police stations.

A first coordination meeting on border security and management, on 19 December, brought the Ministries of Defence, Interior and Foreign Affairs together with representatives of Member States and organizations that have offered assistance in that area. The meeting highlighted the urgent need to strengthen both security and civilian border management capacities at Libya's land and maritime borders, in order to tackle more effectively issues such as drugs and weapons trafficking and illegal immigration, in a manner consistent with international standards. In that respect, the creation of the National Agency for the Security of Borders and Strategic Installations under the Ministry of Defence is a welcome development. The Ministry of the Interior will oversee the civilian management of border installations and facilities.

The Ministry of the Interior has just completed the first training course since the outbreak of conflict, preparing 170 ex-fighters in passport control and investigation measures. UNSMIL is working with the ministries and international partners on a consolidated six-month training plan in support of those efforts and a list of priority needs and requirements to facilitate effective international assistance. UNSMIL has been asked to convene regular coordination meetings on support to the Libyan police and on border security and management.

Those coordination roles have been added to UNSMIL's continuing role in convening those assisting the Libyan authorities in addressing the threats from the potential proliferation of arms, ammunition and other explosive remnants of war. While the focus of international concern continues to be the potential proliferation of man-portable air defence systems (MANPADS), as yet there seems to be little evidence of such weapons appearing in neighbouring countries. Visits of weapons storage sites and brigades throughout Libya suggest that most looted arms may be held by revolutionary brigades or local militias within a limited distance from the looted site, thereby rendering it primarily a national Libyan arms control and disarmament concern.

In the most recent coordination meeting, UNSMIL agreed with the Ministry of Defence and bilateral partners to establish an operational task force on MANPADS to facilitate a country-wide mapping of weapons and storage sites and to coordinate the identification, collection and disabling efforts of all operational partners involved. UNSMIL, with the United Nations Mine Action Service (UNMAS), is also working closely with the Ministry of Defence on developing a programme for the registration of such weapons held by the revolutionary brigades. In early December, the United States Government signed a technical agreement with the Ministry of Defence for the inventory of all weapons and ammunition storage areas in Libya and the destruction of conventional weapons, the implementation of which is being coordinated with UNMAS and other partners through the operational task force.

There has also been progress in accounting for the additional chemical materials and weapons found at two previously undeclared sites. On 28 November, Libyan authorities officially submitted to the Organization for the Prohibition of Chemical Weapons (OPCW) a detailed declaration of those materials, which in the meantime have been transferred to the previously declared storage site. The OPCW intends to return to Libya in mid-January to support Libyan authorities in further detailing their declaration, verify the declared materials and review their safe storage. UNSMIL is supporting the visit through logistics, security and coordination arrangements.

Similarly, on 9 December, the International Atomic Energy Agency (IAEA) completed its visit to Libya, during which its representatives inspected the Tajoura nuclear facility in Tripoli and the yellowcake storage facilities in Sabha. In an initial debriefing, the IAEA conveyed its overall conclusion that none of the previously recorded nuclear materials in either facility had gone missing. However, while there was no immediate health or radiation risk, an expeditious sale and transfer of the approximately 6,400 barrels of nuclear materials in Sabha was strongly recommended, as the storage condition of the barrels is deteriorating and the present safety and security measures at the facility are not deemed sufficient for the longer term. There appears, however, to be no risk of proliferation, given the weight and state of the barrels.

Mine action partners continue their efforts, with 26 clearance teams and 28 education teams currently operational on the ground. A positive development has been the recent formation of the Libyan Centre for Mine Action and Remnants of War. The fact that that was the subject of the first decree of the new Minister of Defence indicates the high priority that the Libyan authorities have placed on the issue. On 15 December, my Deputy launched a mine action donor appeal in collaboration with the Ministry of Defence, the Libyan Centre for Mine Action and the UNMAS team. Until Libyan funds become available, urgent international donor funding is still required in order to ensure that current mine action capacities can be continued and expanded to address the emerging threat as further areas of contamination are reported throughout the country.

UNSMIL has continued to monitor the situation of detainees and to press upon the authorities the need to bring all places of detention within a framework of law. In a recent meeting, the Minister of Justice informed me that his officials had begun visiting detention centres to bring them under the control of the judicial police and had received agreement from the relevant brigades. The Ministry is recruiting additional judicial police to expedite the process of transfer. Four detention centres have so far been transferred, and the Minister was optimistic about bringing all the detentions centres under the judicial police in the near future.

The Minister also assured us that prosecutors will review all cases and will not rely on processes carried out by the brigades, which do not meet legal standards. A significant development is the decision issued by the Minister of Interior on 29 November, specifying which State authorities had jurisdiction to arrest, detain and investigate, outlawing arrests and investigation made by brigades, and ordering them to refer case files to properly competent authorities as soon as possible. UNSMIL continues to press for the improvement of conditions of detention and the proper and swift review of all cases, leading to release or fair trial.

With regard to transitional justice, the Minister of Justice informed me that his Ministry had submitted a draft law, on which the United Nations had commented in accordance with international standards and best practice, to the NTC for its consideration and adoption. The NTC demonstrated its continued commitment to pursue reconciliation by organizing a national conference on reconciliation on 10 December, which was attended by about 500 participants. Civil society actors, religious leaders and tribal elders have embarked on various reconciliation initiatives at the local level.

Among reconciliation efforts under way are those for thousands of involuntarily displaced persons, including some 35,000 Tawerghans who have still not been able to return to their homes following allegations of involvement by some of their community in abuses during the conflict. The challenge remains to bring local initiatives within a national transitional justice framework.

While humanitarian operations will come to a close at the end of this year, the United Nations will continue to support national authorities in assisting those Libyans who remain internally displaced within the country. According to the Libya Humanitarian Relief Agency, there are almost 63,000 registered internally displaced persons in need of humanitarian assistance in Libya. More than 75 per cent of the population of Bani Walid has returned, but the level of return to Sirte is below 50 per cent, owing to security concerns, widespread damage to housing and infrastructure, and the high presence of explosive remnants of war. Internally displaced persons, as well as returnees to Bani Walid and Sirte, continue to receive humanitarian assistance.

UNSMIL is discussing with the Government its wishes regarding coordination of assistance from multilateral and bilateral sources. Given its limited term and urgent priorities, the process for a Libya coordinated needs assessment agreed with the former Executive Committee is unlikely to be deemed appropriate to respond to the new Government's needs. A January workshop with key ministries is proposed, to take account of their most urgent plans and identify forms of immediate international assistance. While that approach could lead to quick assessments in some sectors or subsectors, fuller needs assessments may be more appropriate later once an elected Government can plan in a longer time frame. Meanwhile, the field-led integrated mission planning process has begun in Libya and will be joined by a small team of Headquarters colleagues in mid-January, to make recommendations on an UNSMIL mandate beyond its current term. I am very pleased to report that agreement has been reached with the Government on the status of mission

agreement for UNSMIL, and it will be signed in the coming days.

The quickened pace of activities I have referred to reflects the fact that a Government is in office and that the United Nations now has Libyan interlocutors to whom it is offering its support. Three months after our initial deployment, UNSMIL now has just over 100 staff in total, nearly half of them national staff; 24 of its international staff are in substantive categories. With those limited numbers we are, I believe, working in accordance with the principles we set out and the Council welcomed: respect for Libyan national ownership, speed of response and effective coordination of international efforts. The pace will further accelerate as we enter 2012, which will be another critical year in Libya's remarkable history.

The President (*spoke in Russian*): I thank Mr. Martin for his briefing.

I now give the floor to Ambassador João Maria Cabral.

Mr. Cabral (Portugal): In accordance with paragraph 24 (e) of resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established pursuant to that resolution. The report covers the period from 27 September to 22 December 2011.

Many developments have taken place in relation to Libya since the Chair last briefed the Council, almost three months ago. Foremost among them, in terms of the work of the Committee, is the delisting of the Central Bank of Libya and the Libyan Foreign Bank on 16 December, upon the request of the relevant Libyan authorities. The asset freeze therefore no longer applies to those two entities. The Committee will continue to work towards the goal of ensuring that all assets frozen pursuant to resolutions 1970 (2011) and 1973 (2011) are made available as soon as possible to, and for the benefit of, the people of Libya.

I would also like to highlight that, on 31 October, the Security Council adopted resolution 2017 (2011), by which it requested the Committee to assess the threats and challenges, particularly in relation to terrorism, posed by the proliferation in the region of all arms and related materiel of all types, in particular man-portable air defence systems (MANPADs), from Libya, and to submit a report to the Council on proposals to counter the threat and to prevent such proliferation. The Committee is to be assisted by the Panel of Experts, to cooperate with the Counter-Terrorism Executive Directorate (CTED) and to work together with other relevant United Nations bodies, including the International Civil Aviation Organization (ICAO), in that endeavour. Consultation with international and regional organizations is also suggested. Subsequently, on 2 December, the Council adopted resolution 2022 (2011), by which it expanded the mandate of the United Nations Support Mission in Libya (UNSMIL) to include, in coordination and consultation with the transitional Government of Libya, assisting and supporting Libyan national efforts to address the threats of the proliferation of all arms and related materiel of all types, in particular MANPADS, taking into account, among other things, the aforementioned report.

It was in the context of the implementation of that resolution, among other purposes, that the members of the Committee met in informal consultations on 12 December. At that meeting, following briefings by the Panel of Experts, CTED, ICAO and the United Nations Support Mission in Libya on the implementation of resolution 2017 (2011), the Committee agreed that the working document would be consolidated by the Panel in February 2012, on the basis of which a Committee report would be submitted to the Council shortly thereafter.

The other main purpose for convening the informal consultations was to hear a presentation by the Panel of Experts of its progress report. The Panel reported on the missions it had undertaken to various countries in the region, including Libya, and sought the Committee's assistance with respect to other missions that it hoped to undertake. The Panel conveyed some preliminary findings on its monitoring of the implementation of the arms embargo, travel ban and asset freeze. In the discussion that ensued, the members of the Committee addressed questions or comments to the Panel and agreed to consider dispatching letters to certain countries that had yet to respond to the Panel's request for a visit. Continued cooperation between the Panel of Experts and UNSMIL was emphasized.

During the reporting period, in connection with the arms embargo, the Committee approved four requests for an exception to that measure under

paragraphs 9 (a) and 9 (c) of resolution 1970 (2011). The Committee also had no objection to a fifth request for an exception that invoked paragraph 9 (c) of the resolution. Furthermore, no negative decision was taken by the Committee in relation to six notifications under paragraph 13 (a) of resolution 2009 (2011), which allows the supply of arms and related materiel of all types intended solely for security or disarmament assistance to the Libyan authorities.

With respect to the asset freeze, I have already noted the delisting of the Central Bank of Libya and the Libyan Foreign Bank. Prior to that delisting, the Committee approved six requests for an exception to the asset freeze under the extraordinary expenses provision set out in paragraph 19 (b) of resolution 1970 (2011). It also acknowledged the receipt of six notifications under the prior contracts provision set out in paragraph 21 of that resolution. Furthermore, no negative decision was taken by the Committee in relation to 11 notifications under the basic expenses provision set out in paragraph 19 (a) of resolution 1970 (2011) and 12 notifications under paragraph 16 (a) of resolution 2009 (2011). Members of the Council will recall that the latter paragraph provides for the unfreezing of funds for additional purposes. All in all, those requests and notifications amount to at least $18 billion.

Finally, during the period under review, in its replies to written communications submitted by two Member States, the Committee confirmed that, with the adoption of resolution 2009 (2011), the asset freeze no longer applied to the subsidiaries of United Nations-listed entities. The Committee will continue to provide guidance on the scope and application of the relevant measures to any Member State that so requests it, in order to ensure a clear and consistent understanding by all.

The President (*spoke in Russian*): There are no further speakers inscribed on my list.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.